GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – Panchayat Raj & Rural Development Department - Allegations of irregularities in execution of the road work from Hindupur to Pilligundla (Rolla Mandal) of Ananthapur District against Sri K. Kondaiah, the then EE (PR) Penukonda, Ananthapur District - Disciplinary proceedings initiated – Punishment of minor penalty of "Censure" imposed - Orders – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.II) DEPARTMENT

G.O.RT.No. 305 **Dated: 08-06-2020.**

Read the following:-

1. General Administration Vigilance Report No.68 (464/V&E/E1/2011) dated:23-04-2014.
2. G.O.Rt.No.95, PR&RD (Vig.II) Dept., dt: 03.02.2015.
3. Written Statement of Defence of Sri K. Kondaiah, the then EE, PR, Penukonda, Anantapur District Dt:14-05-2015.
4. G.O.Rt.No.815, PR&RD(Vig.II)Dept.,Dt:20-08-2015.
5. From Smt. K. Padmaja, Chief Engineer, PR, Lr.No.Enquiry Reports/Pilligundla Road/ATP Dt:29-01-2018.
6. Govt. Memo No.9085/Vig.II/2014-9, PR&RD (Vig.II) Dept., Dt:17-09-2018.
7. Representation of Sri K. Kondaiah, the then EE, PR, Penukonda, Ananthapur District dt:25-10-2018.

<<o >>

ORDER:

In the reference 2nd read above, the following charge was framed against Sri K. Kondaiah, the then EE, PR, Penukonda, Ananthapur District, under Rule 20 of A.P.C.S. (CC&A) Rules, 1991, on allegations of irregularities in execution of the road work from Hindupur to Pilligundla (Rolla Mandal) of Ananthapur District taken up by Panchayat Raj Engineering Department under PMGSY Phase-VI.

> Charge: The said Sri K. Kondaiah, former EE (PR), Penukonda now Executive Engineer, PR Division, Chittoor has committed irregularities in execution of the road work from Hindupur to Pilligundla Via Kethepalli, Manuru, Y.B. Halli, taken up under PMGSY Phase-VI (Rolla Mandal). He has allowed payment for slab culverts 30/6 + 106, 26/0 + 60.70 & 23/4+109 and CC pavements 30/2 to 30/6, 25/0 to 25/2, 12/2 to 12/4 and 10/0 to 10/6 executed with substandard quality and liable for rejection. Rejected value of work is Rs.36,69,233/-. He failed to discharge his legitimate duties and violated Rule 3 of APCS Conduct Rule, 1964.

2. In the reference 3rd read above, the charged officer has submitted his written statement of defence.

3. After examining the matter, in the reference 4th read above, Smt. K. Padmaja, Chief Engineer, Panchayat Raj was appointed as Enquiry Officer, for conducting detailed enquiry into the charges framed against Sri K. Kondaiah, then the EE, Penukonda, Anantapur District.

4. In the reference 5th read above, the Enquiry Officer has submitted her enquiry report, holding that the charge is not proved against charged officer. Government, after examining the said enquiry report, have decided to disagree with the findings of Enquiry Officer and accordingly communicated the following disagreement factors along with a copy of enquiry report to charged officer, as required under Rule 21 (2) of APCS (CC&A)Rules, 1991 and he has directed to submit his representation on the enquiry report and the disagreement factors vide reference 6th read above.

Contd…2..

"A perusal of the enquiry report of Enquiry Officer indicates that the Enquiry Officer has not analysed and assessed the documentary evidence available on the record for the charged officer. She has not given any clear findings on charges in her report much less on each of the charge against the charged officer whether it is proved or not.

On the other hand, she has given general findings. Under points 1 and 4 of her findings, she stated that the deficiencies pointed out on the road by V&E were rectified by the Contractor at his own cost, that the results of QC tests conducted by the department officials subsequently were within permissible limits, and that an amount of Rs.13,53,090/- was recovered from the Contractor as per V&QC, Kadapa and V&E reports. Under points 5,6 and 7, enclosing the photos of the existing road after rectification, she reported that the road was made traffic worthy and handed over to R&B Department, in traffic worthy condition and they have certified the same. Points 2 and 3 of her findings are not relevant to the charges framed against the charged officer.

The above findings by the Enquiry Officer clearly indicate that the Enquiry Officer has not enquired into the charges i.e., alleged irregularities said to have been committed by the Charged Officer in allowing payment for slab culverts 30/6 + 106, 26/0 + 60.70 & 23/4+109 and CC pavements 30/2 to 30/6, 25/0 to 25/2, 12/2 to 12/4 and 10/0 to 10/6 executed with substandard quality and liable for rejection, the value of which is Rs.36,69,233/-. She has embarked herself on considering the aspect of rectification of the deficiencies pointed out by V&E and QC wing i.e., beyond the period under consideration for the Article of Charge and concluded that the charge is not proved based on the road worthy certificate issued by R&B on 13-9-2017. This conclusion has no logic in it.

5. In the reference 7th read above, the charged officer has submitted his representation on the enquiry report and the disagreement factors mentioned in the reference 6th read above, stating among other things that, based on AEE recorded measurements, DEE check measurements, cube test reports by the field staff & V&QC reports available he has allowed payment duly withholding certain amounts for rectification. In his brief spell of FAC, those two part payments were made withholding certain amounts duly assessing the recoveries to be affected, thus it was cautiously taken care of to ensure that there should not be any financial loss to exchequer. All the rectification work was got done by Contractor and the work was made intact before handing over the road to R&B Department. The sole charge of him was CC items of work which were properly rectified and put the work to safer stages; and hence, requested to absolve him from the charge considering his explanation.

6. Government after examining the matter and the explanation submitted by Sri K. Kondaiah, the then EE, Penukonda, keeping in view of findings of Inquiring Authority, it is observed that the Charged Officer is responsible for inspection of 30% of total work, and that he was looking after (2) Divisions and Full Additional Charge of PR Division, hence it is decided to award the minor penalty of "Censure" against Charged Officer.

Contd…3….

7. Accordingly, Government, hereby order to impose a punishment of "censure" under APCS(CCA)Rules, 1991 against Sri K. Kondaiah, the then EE, PR, Penukonda, Ananthapur District.

8. The Engineer-in-Chief, Panchayat Raj, Vijayawada shall take further action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

OPAL KRISHNA DWIVEDI,
PRINCIPAL SECRETARY TO GOVERNMENT.

To
Sri K. Kondaiah, the then EE, PR, Penukonda, Anantapur District (through the Engineer-in-Chief, Panchayat Raj, Vijayawada.
The Engineer-in-Chief, Panchayat Raj, Vijayawada.
(with a request to serve and furnish the dated acknowledgement immediately)
Copy to:
The Secretary to VC., A.P.Vigilance Commission, Velagapudi.
The General Administration (V&E) Dept., PNB stand, Vijayawada.
(w.r.t. No.68 (464/V&E/E1/2011) dated:23-04-2014)
The PR&RD (Estt.I) Dept.
SF/SC

//FORWARDED::BY ORDER//

SECTION OFFICER